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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,031	11/20/2003	Nova Spivack	61217-8010.US01	2540
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PERKINS COIE LLP P.O. BOX 1208 SEATTLE, WA 98111-1208			EXAMINER FLEURANTIN, JEAN B	
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			11/21/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,031	<b>Applicant(s)</b> SPIVACK ET AL.	
	<b>Examiner</b> JEAN B. FLEURANTIN	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 2-4, 11-15, 17, 19 and 22-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4, 11-15, 17, 19 and 22-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/23/08 &amp; 10/22/08</u> .                                 | 6) <input type="checkbox"/> Other: _____                          |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This in response to remarks dated 08/19/2008.

The following is the current status of claims:

Claims 1, 5-10, 16, 18, 20, 21 and 29 have been canceled.

Claims 43-47 have been withdrawn.

Claims 2-4, 11-15, 17, 19 and 22-42 remain pending for examination.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 10/23/2008 and 10/22/2008. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Response to Arguments***

2. Applicant's arguments filed 05/09/2008, with respect to claims have been fully considered but they are not persuasive because the combination of USPN 6,513,059 ("Gupta") in view of USPN 5,809,297 ("Kroenke"), and further in view of USPN 5,408,567 ("Bigelow") discloses the claimed limitations set forth in the rejection.

Applicant argued, section (35 U.S.C. §103 Rejections), that "the cited references do not show each and every element as recited in the independent claim 2..." The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the instant application relates to network applications; see specification page 1, lines 1-21.

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Accordingly, Gupta discloses the system service and with authority from the client to interact in multiple active knowledge spaces distributed on the Internet, and that provides a collaborative environment for the new generation of internet in personal application; col. 2, lines 35-48.

Kreonke discloses a plurality of semantic object; see col. 3, lines 3, lines 10-13. Further, in col. 4, lines 40-44, create and manipulate data that will be stored in the database.

Bigelow discloses the objects of the files can represent any physical entity, and event; see col. 7, lines 33-40. Furthermore, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Applicant's arguments with respect to claim 13 are persuasive. The 35 U.S.C. §103(a) rejection has been withdrawn.

Moreover, upon further review the claimed limitations, claims are rejected under 35 U.S.C. §101 set forth in section 3.

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***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2-4, 11-15, 17, 19 and 22-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As set forth in MPEP 2106:

As per independent claims 2, 13 and 38

The independent claims 2, 13 and 38 are directed to a method. The claim recites a series of steps without producing a physical transformation. The claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful and tangible result.

The dependent claims are rejected under the same rationale.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 11-12, 14-15, 17, 19, 22-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,513,059 issued to Gupta et al., ("Gupta") in view of USPN 5,809,297 issued to Kroenke et al., ("Kroenke"), and further in view of USPN 5,408,567 issued to Bigelow et al., ("Bigelow").

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As per claim 2, Gupta discloses "a method comprising receiving an indicator to create a semantic object to represent a target referent" (i.e., context node (entity); see col. 4, line 49);

"identifying a semantic object type for the semantic object suitable to represent the target referent" (i.e., context node (entity); see col. 4, lines 49-51);

"wherein the plurality of meta-tags comprises a predetermined set of meta-tags based on the semantic object type" (see col. 11, lines 30-39),

"wherein a meta-tag of the plurality of meta-tags is associable with metadata" (i.e., similarities between events and objects (entities); see col. 6, lines 46-51); and

"associating the meta-tag of the plurality of meta-tags with metadata; wherein at least one of, the meta-tag and the metadata is definable by an ontology" (i.e., ontology is specified by rules; see col. 6, lines 41-45).

Gupta fails to explicitly disclose creating the semantic object of the semantic object type to represent the target referent. However, Kroenke discloses creating the semantic object (see Kroenke col. 5, lines 29-30). It would have been obvious to a person ordinary skill in the art at the time the invention was to modify the method of Gupta by creating the semantic object disclosed by Kroenke (see Kroenke col. 5, line 26-29). Such a modification would allow the method of Gupta to provide a user to create semantic object data models to represent any kind of information that the user desires to store in a database (see Kroenke col. 5, line 26-29), a user to define a formula interpreted in a way that makes semantic sense to the user (see Kroenke col. 22, lines 52-55).

While, the combination of Gupta/Kroenke substantially discloses the claimed invention, the combination fails to disclose in detail "determining whether an object type of the target referent is a physical entity, a digital object, or an intangible entity" However, Bigelow discloses determining whether an object type of the target referent is a physical entity, a digital object, or an intangible entity (see Bigelow col. 7, lines 33-40). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method Gupta/Kroenke by as disclosed by Bigelow (see Bigelow Fig. 1 and col. 3, lines 9-19). Such a modification would allow the method of Gupta/Kroenke to provide a method in a data processing system of imposing multi object constraints of the data files (see Bigelow 1,

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lines 62-64), therefore, improving the accuracy of the methods and systems for managing and requests in a network.

As per claim 3, Gupta further discloses “assigning one of multiple lifecycle stages to the created semantic object” (see col. 8, lines 43-46)..

As per claim 4, Gupta further discloses “the multiple lifecycle stages include at least: a draft stage, an active stage, an inactive stage and a deleted stage, further comprising subsequently transitioning the created semantic object from one of the multiple lifecycle stages to another” (i.e., lifecycle of task and transaction characteristics; see col. 8, lines 43-48).

As per claim 11, Gupta further discloses “exchanging information about the ontology using the semantic object” (i.e., ontology is specified by rules; see col. 6, lines 41-45).

As per claim 12, Gupta substantially discloses the claimed limitation except extracting at least part of the content from the target referent before inclusion in the created semantic object. However, Kroenke discloses created semantic object (see Kroenke col. 5, lines 29-30). It would have been obvious to a person ordinary skill in the art at the time the invention was to modify the method of Gupta by creating a semantic object disclosed by Kroenke (see Kroenke col. 5, line 26-29). Such a modification would allow the method of Gupta to provide a user to create semantic object data models to represent any kind of information that the user desires to store in a database (see Kroenke col. 5, line 26-29), a user to define a formula interpreted in a way that makes semantic sense to the user (see Kroenke col. 22, lines 52-55), therefore, improving the accuracy of the methods and systems for managing and requests in a network.

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As per claims 14, 15, 17,19 and 22-28, the limitations of claims 14, 15, 17,19 and 22-28 are similar to claims 2-4 and 11-12, therefore, the limitations of claims 14, 15, 17,19 and 22-28 are rejected on the analysis, and these claims are rejected on that basis.

As per claims 29-37, the limitations of claims 29-37 are similar to claims 2-4 and 11-12, therefore, the limitations of claims 29-37 are rejected on the analysis, and these claims are rejected on that basis.

As per claims 38-42, the limitations of claims 38-42 are similar to claims 2-4 and 11-12, therefore, the limitations of claims 38-42 are rejected on the analysis, and these claims are rejected on that basis.



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#### **CONTACT INFORMATION**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEAN B. FLEURANTIN whose telephone number is (571)272-4035. The examiner can normally be reached on 10:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E. BREENE can be reached on 571 - 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JEAN B. FLEURANTIN/  
primary Examiner, Art Unit 2162